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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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SUMMARY RECORD OF THE 61st MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 15 November 2000, at 3 p.m.

Chairperson: Mrs. BONOAN-DANDAN

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GE.00-45993 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Fourth periodic report of Finland (E/C.12/4/Add.1; E/C.12/Q/FIN/2; written replies to the list of issues prepared by the Government of Finland (document without a reference number); HRI/CORE/1/Add.59/Rev.2)

1. At the invitation of the Chairperson, the members of the delegation of Finland took places at the Committee table.

2. The CHAIRPERSON welcomed the members of the Finnish delegation and pointed out that they were submitting their fourth periodic report, the first instance of the consideration of a fourth periodic report by the Committee.

3. Mr. RYTOVUORI (Finland), introducing the delegation, said that five government ministries were represented, an indication of the importance Finland attached to the proper functioning of human rights mechanisms. The rights-based approach was gaining ground in the ongoing debate on human rights and economic, social and cultural development. It was increasingly widely accepted that without human rights and the rule of law, sustainable development could not be achieved. The Committee's work was an important building block in the global efforts to proceed in a positive direction in those fields.

4. Ms. KAIVOSOJA (Finland) said that Finland held the view that all human rights were equally important, indivisible and interdependent. The new Finnish Constitution which had entered into force in March 2000 accorded economic, social and cultural rights a status equal to that of other fundamental rights, and contained new provisions on the machinery for the implementation of human rights.

5. Finland supported the drafting of an optional protocol concerning an individual complaints mechanism under the Covenant which would significantly contribute to the legal protection of the individual. Her delegation's aim was to have an open and constructive dialogue with the Committee, and it thus welcomed the close attention the Committee had devoted to consideration of the fourth periodic report. Cooperation with NGOs was also of value for the implementation of human rights conventions, and in that connection she drew attention to the separate report submitted by one such NGO, the Finnish League for Human Rights.

6. In September 1998, Finland had adopted the Additional Protocol to the European Social Charter, and in December 1999 it had ratified ILO Convention No. 182: Worst Forms of Child Labour, 1999, being one of the first countries to do so.

7. Finland was a Nordic welfare society, with a traditionally high level of employment, equality between women and men and an educational system aiming at a high standard of skills and qualifications. However, it was still recovering from a deep depression which had severely

affected the economy and the labour market in the early 1990s. Although there had been an upturn in production after the mid-1990s, unemployment had continued to rise for some time. Improvements in the employment situation had not alleviated the distress facing the welfare society, and public debt, the burden of social expenditure and long-term employment had continued to grow.

8. The economic and social picture had thus altered considerably in recent years, and indeed in the time since submission of the fourth periodic report in July 1999. However, economic growth in the past year had been relatively strong compared with the rest of the Euro region. In the first half of 2000, overall production had increased by 5 per cent and statistics indicated that the favourable trend was continuing.

9. On the right to work, in 1999, the number of employed persons in Finland had increased by 3.3 per cent to 66 per cent, more than at any other time in the 1990s. Of that number, some 50,000 had been employed full-time while 24,000 had had part-time jobs. In 2000, as in 1999, unemployment figures had again decreased rapidly, with the number of unemployed job-seekers falling by some 7 per cent in the first eight months compared to the same period the year before. Northern and eastern Finland were still the areas most affected by high unemployment rates. The numbers of long-term unemployed also continued to fall, albeit more slowly than in 1999. The Government had recently submitted a legislative initiative to Parliament with the aim of improving the employment prospects of the long-term unemployed.

10. The unemployment rate among foreigners had declined steadily since 1995, amounting to 34 per cent in spring 2000. Refugees suffered the most from long-term unemployment. The Act on the Integration of Immigrants and Reception of Asylum-Seekers, which had entered into force in May 1999, required the elaboration of a special integration plan for new immigrants, and the government programme adopted in April 1999 accorded special emphasis to the integration of immigrants.

11. The authorities were especially pleased by the fact that youth unemployment had declined: it now stood at less than half the level for 1993. A new problem facing the labour market was the scarcity of young workers. With the spread of information and communication technologies, young people with up-to-date skills were especially needed to fill vacancies.

12. The Government had increasingly tried to improve the quality of working life through specific programmes, the combined funding reserved for which totalled about US$ 10 million annually.

13. The Ministry of Labour had drafted a plan of action to prevent ethnic discrimination and racism, emphasizing compliance with and respect for international human rights conventions and recommendations and European Union practices and proposing the establishment of an office of ombudsman against ethnic discrimination.

14. The Advisory Board for Youth Affairs maintained indicators on the living conditions of persons aged 15 to 29. The material it produced was available to all authorities. A youth

barometer, compiled annually, indicated, inter alia, the evolution of attitudes and expectations towards working life and education among persons aged 15 to 29. According to the barometer, young people in Finland were very keen to study and to gain employment.

15. In October 2000 a major reform of basic labour legislation had been launched, with the submission of a parliamentary initiative for a new Contracts of Employment Act. The minimum terms applicable to the employment relationship would continue to be determined in accordance with a collective agreement, but the binding character of such agreements would be clarified in a variety of ways. Another parliamentary initiative proposed the enactment of legislation on protection of privacy in the workplace, to supplement the Personal Data Act.

16. Under the Finnish Constitution, the Government had an obligation to promote equality between women and men in society and the workplace, and the Equality Act obliged the authorities actively and systematically to promote equality. Accordingly, as part of the government programme to analyse the gender impact of draft legislation, the Office of the Equality Ombudsman had carried out an assessment of the new Contracts of Employment Act.

17. Economic independence was one of the cornerstones of the Nordic idea of equality. Even though the gender gap still showed clearly in education and working life, Finnish women were well educated and employed full-time, and attitudes to working mothers were positive. According to the principle of equal pay incorporated in the Equality Act, the employer must pay equal remuneration to female and male workers for the same or equal work. In assessing whether or not work was equal, the key criterion was, not the job title, but the nature of the work done. Nevertheless, women's average monthly income was still only about 81 to 85 per cent of that of men. To promote the principle of equal remuneration, the Equality Ombudsman had launched a research project whose objective was to identify the changes in and reasons for the gender pay gap.

18. Finland belonged to the Nordic welfare regime, typical features of which were comprehensive and preventive social and health policies and the central role of the public sector in providing health and social services. A new Social Welfare (Users) Act, due to enter into force in early January 2001, aimed, inter alia, to promote users' confidentiality and their right to high-quality welfare services, under both private and State welfare schemes.

19. If the headlines were a measure of the most interesting topics of discussion in Finland, the amendment of the Tobacco Act would undoubtedly top the list. In April 1999 the Act had been amended in an effort to reduce smoking: environmental tobacco smoke had been classified as carcinogenic and the prevention of problems caused by tobacco smoke at workplaces had been made an occupational health and safety issue.

20. Several studies concerning violence against women had been carried out in recent years. One, published in October 2000, revealed that the direct costs to society of violence against women had totalled Fmk 296 million in 1998. Indirect economic and social costs had been estimated at between Fmk 360 and 660 million.

21. On recent developments in the field of education, the main principles of government education policy were included in a development plan for education and university research for

the years 1999-2004. In accordance with the principle of lifelong learning, all permanent residents had an equal right to education irrespective of sex, place of residence, age, language, property, health, disability status or social origin. The ongoing reform of pre-school education had introduced 700 hours of pre-school education free of charge, to be provided in the year preceding the start of compulsory education. As from August 2001, municipalities would be under an obligation to provide pre-school education to children residing in their area. At the same time, the children would retain the right to municipal day care. The requirement for foreign children of school age residing in Finland to attend school had been extended to the children of asylum-seekers.

22. A national strategy for education, training and research in the information society for the years 1999-2004, published in the spring of 1999, aimed at providing information skills for all, using the Internet as a learning environment. The underlying idea was to make opportunities available to all citizens to use information and communications technology in accordance with their own needs. Plans to develop a wide range of educational facilities for adults had been incorporated in the National Programme for Ageing Workers for the years 1998-2002.

23. The activities of groups representing minority cultures were supported by the Ministry of Education. The Government granted subsidies to enable ethnic minorities to preserve their own culture and language alongside the mainstream culture and languages. The policy also sought to develop a more positive public perception of ethnic minorities and to help immigrants integrate into Finnish society.

24. The Ministry of Education also supported several projects relating to Roma culture, language and activities, and made an annual appropriation to the Sami Parliament for cultural and other activities. The Sami Parliament had full responsibility for allocating that appropriation.

25. The Ministry of Education's support for cultural minorities included an anti-racism programme launched in 1996 in cooperation with Finnish sports associations. Over the past five years it had also participated in the financing of 211 local, regional and national projects designed to help immigrant and other minority groups gain easier access to sport in Finland.

26. Having thus updated the information provided in Finland's fourth periodic report (E/C.12/4/Add.1) in July 1999, she said that her delegation looked forward to answering specific questions put by members of the Committee.

27. The CHAIRPERSON invited members to make general comments relating to the delegation's opening statement.

28. Mr. RIEDEL said that, while he appreciated that Finland's early submission of its report necessitated a number of updates for the current session, the resulting long introductory statement meant that time was now at a premium. Fortunately, the fact that the Finnish delegation was so numerous and highly qualified meant that it should be able to provide concise and informative replies.

29. Neither the delegation's introductory statement nor its written replies cited instances in which the provisions of the Covenant had been invoked by the courts or by the Parliamentary Ombudsman. The Committee would welcome such information, certainly in the next report, and if possible during the current session.

30. He welcomed Finland's support for the workshop on justiciability of economic, social and cultural rights, to be held in 2001 jointly with the International Commission of Jurists and the Office of the United Nations High Commissioner for Human Rights. The delegation's opening statement made it clear that Finland did not endorse the current widespread view that economic, social and cultural rights were merely programmatic, instead sharing the Committee's view that justiciability was a matter which must be clarified ratione materiae.

31. He also welcomed Finland's adoption of the Additional Protocol to the European Social Charter, which indicated, inter alia, its clear support for the Committee's view that collective, as well as individual, complaints could be filed against a State party.

32. Mr. SADI said that the delegation's opening statement confirmed the positive situation with regard to economic, social and cultural rights in Finland described in its fourth periodic report. Such a success story, accompanied by such a record of rapid economic development and declining unemployment, meant that the Committee would have high expectations of its dialogue with the delegation.

33. Mr. AHMED warmly commended Finland on its human rights record. As a consequence of that record, the Committee's questions to the delegation would address levels of achievement in specific areas rather than disputes over principle. In that regard, he noted with disappointment that many of the factors which the Committee had classified as obstacles to the Covenant's implementation in Finland in its 1996 concluding observations still figured among the list of issues to be taken up.

34. Mr. ANTANOVICH noted that the term "Nordic welfare State" was several times to be found in the documentation supplied by the delegation. He was not sure how well established that term was, but would like the delegation to clarify it, with a view to determining which of its components, if any, might profitably be used elsewhere. He also wished to know whether the new prosperity that Finland had experienced since emerging from recession had brought additional problems relating to alcohol and drug abuse.

35. The CHAIRPERSON invited Committee members to put questions or make observations on the State party's replies concerning numbers 1 to 7 of the list of issues (E/C.12/Q/FIN/2).

36. Mr. CEVILLE, after congratulating Finland on being the first State party to submit a fourth periodic report, said that the delegation's written replies left no doubt as to the applicability of economic, social and cultural rights in Finland. Nevertheless, in reply to the Committee's request for specific information on the justiciability of the rights contained in the Covenant, the delegation had merely indicated that rights under the Covenant could be cited in the courts in connection with legislative matters, subject to constitutional interpretation. He asked the delegation to provide specific examples of cases involving individual human rights

complainants in which reference had been made to the Covenant. He would also like to know at what stage NGOs had been involved in preparing Finland's report to the Committee.

37. Mr. ANTANOVICH said he had a problem with the delegation's reply to number 3 of the list of issues, concerning amendment of the Social Assistance Act. What exactly was "preventive social assistance" and how did it fit in with the overall social assistance system? Since the bill introducing preventive social assistance had entered into force on 1 April 2000, were any data available on its use?

38. Mr. SADI endorsed Mr. Ahmed's remarks concerning Finland's failure fully to address the problems identified by the Committee in its concluding observations on Finland's third periodic report. He would like more information on the specific measures Finland had undertaken to implement the suggestions and recommendations the Committee had made at that time. He also asked for further clarification regarding the extent to which economic, social and cultural rights recently incorporated in Finland's Constitution corresponded to rights set forth in the Covenant.

39. Mr. HUNT said he had three questions relating to the general legal framework within which human rights were protected. First, had Finland introduced a national plan of action on human rights in accordance with paragraph 71 of the Vienna Declaration? Secondly, the delegation's replies indicated that the percentage of gross domestic product (GDP) devoted to international cooperation for development for the period 1994-1999 had levelled out at around 0.33 per cent, a figure he found both surprising and disappointing, since it represented less than half of the United Nations target of 0.7 per cent. Did the delegation agree that it was time to re-examine its policy with a view to increasing the percentage devoted to such cooperation? Finally, although there was no doubt that the recent constitutional reform rendering economic, social and cultural rights justiciable was a major step forward, he shared Mr. Sadi's opinion that not all Covenant rights had been constitutionalized. He would therefore like to know how Finland justified its selective and non-comprehensive incorporation into domestic law of rights which had equal standing in international law.

40. Ms. MAJURI (Finland) said that all the essential economic, social and cultural rights had been incorporated into the Constitution with the 1995 reform of that text, which had been aimed at increasing the application of human rights provisions in judicial proceedings. Direct references to the Constitution and human rights instruments were becoming more common year by year. The fact that the Covenant was not directly invoked did not mean that those rights were not applied; indeed, they were implicit in all court rulings. Many were the instances in which economic, social and cultural rights had been instrumental, especially in the administrative courts, in decisions concerning social insurance and the like.

41. A new constitutional provision establishing the primacy of that instrument enhanced not only the courts' ability to invoke the Constitution, but also the status of fundamental rights. That provision stipulated that the courts must accord primacy to the Constitution when it was in evident conflict with a particular piece of legislation. The Chancellor of Justice and the Parliamentary Ombudsman, the country's supreme guardians of legality, were often vigorous in their references to constitutional rights, and there was an abundance of cases in which those two officials had referred to the constitutional provisions in their decisions.

42. Issues relating to fundamental human rights formed a standard component of the training imparted to lawyers and judges. A number of human rights seminars, conducted by internationally renowned experts, were held annually. The three that had already taken place in 2000 had been attended by over 100 participants, including public prosecutors. The courts, being independent, decided who should attend the seminars, and financed them from their own budgets, a portion of which was earmarked for such training.

43. Ms. OINONEN (Finland), replying to a question from Mr. Ceville, said that NGOs cooperated widely with the various authorities. The body with main responsibility for the periodic reports was the Ministry of Foreign Affairs. Dialogue with the NGOs took place at a very early stage of the reporting process. Their contributions, which could be made orally or in writing, were borne closely in mind at the report drafting stage.

44. Ms. JOUTTIMAKI (Finland) said that the Finnish welfare system had survived because the country used the highly successful Nordic welfare model, which had enabled the system to function effectively even during the recession. That was the main reason why Finland continued to be a growing society: contributions to the health-care system made large amounts of money available for social welfare services and education, thereby enabling people to survive even in hard times. While problems such as drug abuse existed, the authorities were determined to solve them through the many special programmes available for such purposes.

45. Mr. CORTÉS TELLEZ (Finland), replying to a question from Mr. Hunt, said there was no overall human rights programme as such, although various programmes dealt with various human rights such as those relating to racism and ethnic discrimination, gender equality and the disabled.

46. Mr. RIEDEL requested further information on the Covenant's direct applicability. Could the delegation supply examples of cases in which the Covenant had been cited, and indicate its impact on the judicial proceedings and resultant decisions?

47. Mrs. JIMÉNEZ BUTRAGUEÑO asked whether Finland implemented programmes relating to the human rights of the elderly.

48. Mr. SADI, taking up Mr. Hunt's point about the very low percentage of GDP earmarked for international cooperation, asked whether Finland's international development aid was contingent upon the human rights record of the receiving country.

49. Mr. HUNT asked whether the delegation saw any merit in the establishment of an overarching human rights plan of action of the kind recommended at Vienna. While congratulating the State party on its sterling achievements in incorporating many of the Covenant's provisions into its Constitution, he would still like to know the justification for its selective incorporation of those provisions, all of which enjoyed equal international status. Could the delegation also comment on his question as to why the percentage of GDP allocated to international cooperation for development had levelled out at under half the United Nations target?

50. Ms. LIUKKUNEN (Finland) said that since 1997 her country had been successfully implementing a cross-sectoral, multidisciplinary programme, which included training and follow-up, for the over-45s. The age for receiving pensions had been raised to 55 in 1999, thus greatly contributing to an improved labour market situation for older workers.

51. Mr. CORTES TELLEZ (Finland), replying to Mr. Hunt, said that, while he could not speak for the entire delegation, it was his opinion that an all-embracing human rights plan of action would contribute new and important elements which, by promoting synergies between programmes, would enhance their individual value. The delegation would draw the authorities' attention to the issue, which he trusted would be discussed by the relevant ministers.

52. Finland's international development aid was indeed contingent on the human rights record of the receiving countries. When Minister of Foreign Affairs, the current President of Finland had started the tradition of submitting to Parliament a periodic report on implementation of the country's human rights policy, which was to take human rights into account in its bilateral assistance to the developing countries.

53. Mr. SADI said he was amazed that the State party could fall short of adopting an overall human rights plan of action. He had been present at the Vienna conference and clearly recalled Finland's enthusiasm and constructive role in the drafting of the Declaration. What had occurred in the meantime?

54. Mr. CORTES TELLEZ (Finland) said that the report submitted to Parliament set out the country's human rights priorities. The problem was to put those priorities into effect. The report concentrated on Finland's international human rights priorities, but it was clearly necessary to pay more attention to domestic human rights issues. He had no categorical answer, but the matter would be referred to the authorities on the delegation's return.

55. Ms. MAJURI (Finland) said that rights relating to non-discrimination, protection of children, equality of the sexes, education, protection of language and culture, freedom to work and engage in commercial activity, and the right to social security were all incorporated into the new Constitution.

56. Mr. HUNT requested the delegation to provide him with a copy of the revised Constitution in English.

57. Ms. KAIVOSOJA (Finland) said that a copy of the revised Constitution would be made available as requested.

58. The CHAIRPERSON invited members to put their questions concerning articles 2, paragraph 2, and 3 to the delegation.

59. Mr. RIEDEL expressed dismay at the written reply to number 8 of the list of issues. While that reply cited details relating to the Advisory Board for Roma Affairs and the publication of handbooks on the subject, what the Committee needed was statistics and information on the way the various measures had improved the situation of the Sami and the Roma.

60. Regarding issue 9 and the State party's failure to ratify ILO Convention No. 169, the proposed creation of a council of land rights was commendable. How, though, would it actually provide the Sami people with access to land, water and natural resources? He also wished to know the exact relationship between the Sami Parliament and other authorities. The focus appeared to be on its relationship with the national Parliament, while what was more important for practical purposes was its relationship with the local authorities and the local inhabitants among whom problems such as land titles arose.

61. Mr. CEVILLE, referring to number 10 of the list of issues, said that the figures for self-confessed racists in Finland spoke volumes about social attitudes to the presence of foreigners or foreign minorities. However, in its reply to number 8 of the list of issues, the Government referred exclusively to the Roma and Sami, without mention of the alarming manifestations of racism observed in eastern Finland, or of other cases of discrimination in the workplace, in education and elsewhere. How did the State party plan to combat such attitudes? Programmes were all very well, but were any practical measures in place for dealing with the phenomenon?

62. Mr. AHMED recalled that, in its 1996 concluding observations, the Committee had drawn the State party's attention to the need to eliminate discrimination, in particular against the Roma population, in conformity with the rights set forth in the Covenant. It would be regrettable if that call had to be reiterated in the concluding observations on the fourth periodic report. The Committee had been reliably informed that, in spite of the Government's good intentions and laudable efforts, the Roma and other ethnic minorities in Finland continued to be subjected to discrimination, even, according to one report, with the connivance of police officers. In its 1998 concluding observations the Human Rights Committee had also called upon the State party to make efforts to remedy the situation.

63. Furthermore, unemployment among immigrants was extremely high and the Ombudsman for Foreigners had met with little success because he lacked the necessary authority to take decisions. Some NGOs had expressed the hope that the Government would provide separate facilities for asylum-seekers awaiting immigration decisions, as they were currently kept in police cells like common criminals. NGOs had also called for the Government to establish reception centres for asylum-seekers and immigrants in the main towns, rather than keeping them in remote towns where they felt isolated and had few opportunities for employment. The Committee was aware of the Government's desire to stamp out xenophobia, but felt that more effort was required.

64. Mr. SADI said that, considering that the Sami problem had already been raised and would perhaps surface again in the future, a fresh approach was perhaps needed. Could the delegation explain the background to the issue and say what projections had been made for the future? Admittedly, a council of land rights had been created to handle land rights issues, but it was flawed because of the lack of adequate Sami representation and the absence of a mandate to deal with land title matters, which were the crux of the problem: when the Samis lost ownership of their land, they effectively lost their way of life and their livelihood.

65. Echoing Mr. Ceville's concern about racism, he said it was to be hoped that the figures were wrong, as they seemed to suggest that the majority of Finns were racists. What was

required, he believed, was an inter-disciplinary approach, over and above legislation or policies. In any case, it was not clear whether policies had been devised to address the problem, which, he conceded, could not be solved overnight as what was needed was a change of attitudes.

66. Mr. HUNT asked whether the provisions of the Covenant had been integrated into the State party's policy-making processes and whether there were administrative mechanisms for ensuring that they were not overlooked. He also asked whether the State party took account of its international human rights obligations, such as those stemming from the Covenant, when it participated in the work of international organizations, and whether such obligations were borne in mind by its representatives in organizations such as the World Trade Organization.

67. Ms. KAIVOSOJA (Finland), replying to Mr. Hunt's question on cooperation between government departments, said that a committee of representatives from various ministries and a committee of ministers had been established. However, it was essential to achieve better results in long-term strategic planning, for which fuller cooperation between ministries was required. The Government was attempting to create a more effective system.

68. Mr. CORTÉS TÉLLEZ (Finland), explaining the background to the situation of ethnic discrimination and racism, said that although the number of immigrants had risen from 20,000 in 1990 to almost 100,000 in 2000, Finland still had one of the smallest immigrant populations in Europe, accounting for a mere 1.8 per cent of the total population. Consequently, Finns were unused to ethnic diversity in society. The two sources of information on discrimination and racism were opinion polls and police statistics relating to racially motivated crimes. Several opinion polls had been conducted on racism, including one by the European Union, which had revealed that in the 1980s Finns had had a fairly positive attitude towards immigrants. By 1993, when the country had been in the throes of an economic recession, attitudes had hardened among all age brackets and population groups. After the economic recession, attitudes had again become more tolerant, albeit less so than in the 1980s.

69. In 1996, the police department of the Ministry of the Interior had decided to amend its crime reporting system so as to be able to ascertain whether certain crimes were racially motivated. The number of such cases had risen from 194 in 1997 to 319 in 1998, and fallen to 281 in 1999. The figures might not be totally reliable, since the system had still been at the development stage up to 1998 and since only a small percentage of racially motivated crimes were brought to the attention of the police; however, they provided an overall view of the situation. The Government would need to carry out more comprehensive research to determine how many immigrants or members of ethnic minorities encountered racism in their everyday lives.

70. On the question of anti-racism policy, in 1997 the Government had introduced a programme to combat racism and promote tolerance, calling for speedier intervention in racially motivated incidents, and the central police administration had subsequently issued an order to all its units to that effect. In education, emphasis had been placed on the promotion of tolerance through sports, and State subsidies had been provided for projects to combat racism in different fields, administered mainly by NGOs. It was hoped that a proposed new programme to combat racism and ethnic discrimination, which would shift the focus from the central to the regional and local levels, would produce better results.

71. Ms. LIUKKUNEN (Finland) said it was true that unemployment was higher among immigrants than among Finnish nationals. However, employment levels had improved generally, with a knock-on effect for immigrants, although unemployment levels remained high among certain categories of immigrants. A new act relating to immigrants and asylum-seekers had come into force in 1999 requiring, inter alia, the employment office and the local authorities to prepare plans tailored to the needs of individual immigrants. In 1999, 9,600 such plans had been drawn up, including 54 specifically for women. Immigrants were guaranteed a subsistence allowance, payable even during language training courses aimed at equipping them for the needs of the Finnish market. A recent report had revealed that most unemployed immigrants believed they were unemployed because of the overall high levels of unemployment and stiff competition on the labour market. More than three-quarters felt that their skills were not valued or that they lacked the skills required by Finnish employers. Perhaps the problem might be alleviated with the introduction of the individual plans which took account of the personal needs and strengths of immigrants. In any case, several preventive measures had been included in the draft plan of action to prevent ethnic discrimination and racism. One of the most important measures would be the establishment of an ombudsman against ethnic discrimination. However, it should be said that occupational health and safety authorities were already more attentive to the prevention of discrimination in the workplace and carried out inspections at the local level, in addition to providing guidance to employees and employers.

72. A European Union Council Directive had been passed in June 2000, prohibiting discrimination based on race or ethnic origin; member States were expected to implement it within three years. Account had been taken of the Covenant in the drafting of the Directive. Another important provision, which would lead to change in Finland, was that the burden of proof would be shifted back to the respondent if evidence of discrimination was produced in court. It was hoped that the Directive's provisions would be incorporated into Finnish legislation and lead to more successful efforts to combat discrimination.

73. Mr. CEVILLE asked whether protection against racial discrimination was enshrined in the Constitution, and what specific measures had been taken to shift the burden of proof in discrimination cases, so as to improve the effectiveness of court decisions.

74. Mr. RIEDEL inquired about the degree of Sami participation at the local level, especially in the transitional period before any legislative measures had been taken.

75. The CHAIRPERSON said that the Finnish delegation would have an opportunity to reply to the questions just posed at the Committee's next public meeting.

The meeting rose at 6 p.m.